

In Re Application Of: B. L. Launder  
C. Clendenning

Serial No.: 08/938,909

Page: 23

attached and forms an integral part of the present response. Also attached and forming an integral part of the present response is a LETTER TO THE OFFICIAL DRAFTSPERSON requesting certain amendments to the drawings. Reconsideration of this patent application is respectfully requested.

In Paragraphs 2 and 3 of the Action, the drawings were objected to under 37 CFR §1.83(a) and 37 CFR §1.84(p)(5). By the present response, Claim 29 has been amended to delete reference to a "row of teeth" thereby overcoming the Examiner's outstanding objection under 37 CFR §1.83(a) since the drawings do illustrate each feature of the invention specified in the claims. Certain amendments to the specification have obviated other objections to the drawings. The attached LETTER TO THE OFFICIAL DRAFTSPERSON furthermore requests approval of certain amendments to the drawing figures as illustrated in red on the sheets attached to the LETTER TO THE OFFICIAL DRAFTSPERSON. The proffered amendments to the drawings have been prepared with the Examiner's comments in Paragraph 3 of the Action in mind. Consideration and entry of the attached LETTER TO THE OFFICIAL DRAFTSPERSON to obviate the objections to the drawings under 37 CFR §1.84(p)(5) listed in Paragraph 3 of the Action is respectfully requested. Moreover, reconsideration and removal of the objections to the drawings is respectfully requested.

By the present response, the specification has been extensively amended to correct inadvertent and typographical errors appearing therein. Furthermore, the specification has been

In Re Application Of: B. L. Launder  
C. Clendenning

Serial No.: 08/938,909

Page: 24

amended in a manner overcoming the objections listed in Paragraph 4 of the Action. More specifically, Page 19, line 1 of the specification has been amended such that the disclosure is more concise and meaningful. By the present response, Claim 21, line 3 has been amended such that reference numeral "218" has been changed to --281-- thereby placing the specification and drawings in agreement relative to each other. An amendment to Page 22, line 13 of the specification is proffered by the present response to clarify the disclosure and as kindly suggested in the Action. Furthermore, an amendment to Page 24, line 1 of the specification is proffered by the present response in the manner kindly suggested in the Action. The Abstract of the Disclosure has also been amended to correspond to the claims remaining in the application following entry of the instant Amendment. In view of these amendments and others to the specification proffered by the present response, reconsideration and removal of the objections to the specification is respectfully requested.

In Paragraph 5 of the Action, certain pending Claims were objected to because of some informalities therein. With the guidance of the Office Action, the pending claims have been amended in a manner obviating the formal objections listed in numbered Paragraph 5 of the Action. More specifically, an amendment to Claim 9 is proffered by the present response in accordance with the kind suggestion of the patent Examiner in Paragraph 5 of the Action. Additionally, the phraseology in pending Claim 29, line 10 has been amended by the present response in accordance with that suggested in Paragraph 5 of the outstanding Office Action.

In Re Application Of: B. L. Launder  
C. Clendenning

Serial No.: 08/938,909

Page: 25

Pending Claim 29 included an inadvertent typographical error wherein the word --and-- was misspelled. This typographical error has been corrected by the present response. By the present response, pending Claim 58 has been canceled. Accordingly, the formal objection listed in Paragraph 5 of the Action relating to pending Claim 58 is moot. In view of the above, reconsideration and removal of the formal objections to the Claims is respectfully submitted.

A rejection of the pending claims under 35 USC §112(2) is listed in Paragraph 6 of the Action. By the present response, amendments to the pending claims are being proffered in a manner obviating the rejection under 35 USC §112(2). More specifically, Claim 22 has been amended to change the dependency thereof thereby clarifying which hole is being referenced in the claim. By the present response, Claim 25 has been amended to refer to an adapter rather than a nose piece. Amendments to pending Claims 26 and 28 are being proffered by the present response in accordance with that kindly suggested by the patent Examiner in the Action. Pending Claim 29 has been amended by the present response such that the stabilizing surface has been characterized as being generally vertical in both instances in the claim referencing the stabilizing surface. Pending Claim 32 is amended by the present response in accordance with that kindly suggested by the Examiner in the Action. By the present response, pending Claim 63 has been canceled. Accordingly, the rejection thereof in Paragraph 6 of the Action is moot.

The pending claims have furthermore been amended such that the terminology used therein has a proper antecedent basis. More specifically, amendments to pending Claim 2 are

In Re Application Of: B. L. Launder  
C. Clendenning

Serial No.: 08/938,909

Page: 26

proffered by the present response in accordance with the suggestions of the patent Examiner in Paragraph 6 of the Action. Amendments to pending Claims 3 and 10 are proffered by the present response as suggested in the Action. Moreover, by the present response, pending Claims 5, 6, 11, 12, 14, 15, 18, 19, 23 and 25 are proposed to be amended such that a proper antecedent basis is provided for the terminology used throughout the claims. In accordance with the suggestion of the patent Examiner, pending Claim 5 has been further amended to change "the longitudinal centerline" to --a longitudinal centerline-- while "the forward end portion" has been changed to --a forward end portion--. Similarly, pending Claim 16 has been amended to clarify the bore being referenced therein. By the present response, an amendment is proffered with regard to pending Claim 18 to provide a proper antecedent basis for the term "the forward end portion of the adapter". By the present response, pending Claim 29 has been amended in several respects to clarify the structure thereof. Additionally, Claim 30 has been amended to define the tooth as including a cavity thereby providing a proper antecedent basis for the terminology used throughout the claim. Pending Claims 31 and 32 have also been amended in accordance the suggestions in Paragraph 6 of the Action. As mentioned above, pending Claims 33 through 63 have been canceled. Accordingly, the commentary in Paragraph 6 of the Action regarding Claims 37, 41, 42, 51 56 and 57 is moot. In view of the above amendments to the pending Claims, reconsideration and removal of the rejection thereof under 35 USC §112(2) is respectfully requested.

In Re Application Of: B. L. Launder  
C. Clendenning

Serial No.: 08/938,909

Page: 27

In Paragraphs 7 and 8 of the Action, pending Claims 1 through 32 were rejected under 35 USC §102(e) under U.S. Patent No. 5,765,301 to Charles Clendenning. As mentioned above, a PETITION TO CORRECT ORIGINALLY NAMED INVENTORS is being filed in connection with and forms an integral part of the present response. The enclosed PETITION furthermore includes Verified Statements from both Charles Clendenning and Brian L. Launder attesting to the incorrect listing of the inventors when this application was originally filed. Furthermore, the enclosed PETITION sets forth specific facts which supports a finding that Mr. Charles Clendenning is the sole inventor of the invention disclosed in the present patent application.

Notably, U.S. Patent No. 5,765,301 - the single reference relied upon by the patent Examiner in rejecting pending Claims 1 through 32 - names Charles Clendenning as the inventor thereof. Accordingly, the inventor of the invention disclosed in the present application and the inventor of the reference relied upon in rejecting the pending claims are one and the same. As clearly set forth in the Action, 35 USC §102(e) applies only when:

(e) the invention was described in a patent granted on an application for patent **by another** filed in the United States before the invention thereof by the applicant for patent . . . (emphasis added).

Here, the invention disclosed in the subject patent application IS NOT described in a patent "by another" since Charles Clendenning is the sole inventor of both this invention as well as that disclosed in U.S. Patent No. 5,765,301. Given the above, and in view of the PETITION filed in connection with this patent application, the statutory provisions of 35 USC §102(e) DO NOT

In Re Application Of: B. L. Launder  
C. Clendenning

Serial No.: 08/938,909

Page: 28

apply to the factual underpinnings of the instant application. Accordingly, reconsideration and removal of the rejection of Claims 1 through 32 under 35 USC §102(e) in view of U.S. Patent No. 5,765,301 to Charles Clendenning is respectfully requested.

In Paragraphs 9 and 10 of the Action, pending Claims 33, 42, and 48 were rejected under 35 USC 102(b) in view of U.S. Patent No. 3,707,788 to W. L. Sturgeon.

By the present response, pending Claims 33 through 63 have been canceled. Accordingly, the rejection under 35 USC §102(b) is moot. Reconsideration and removal of the rejection under 35 USC 102(b) is respectfully requested.

In Paragraphs 11 and 12 of the Action, pending Claims 34 through 38, 44 through 49, 54, 55, 56, 60 and 63 were rejected under 35 USC §103 over U.S. Patent No. 3,707,788 to Sturgeon.

By the present response, pending Claims 33 through 63 have been canceled. Accordingly, the rejection under 35 USC §103 is moot. Reconsideration and removal of the rejection under 35 USC 103 in view of U.S. Patent No. 3,707,788 to W. L. Sturgeon is respectfully requested

For purposes of conciseness and judicial economy, similar commentary applies to Paragraphs 13 and 14 of the outstanding Office Action.

The references which the Examiner considers pertinent to Applicant's disclosure - but does not rely upon - have been reviewed. It is submitted, however, that none of those references, either taken alone or in combination with each other or the references relied upon, negatively affects the patentability of the present invention as defined by the claims presented for

In re Application Of: B. L. Launder  
C. Clendenning

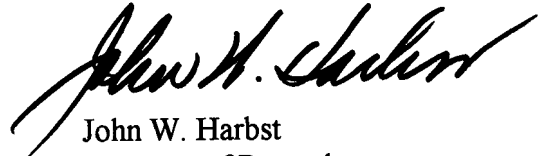
Serial No.: 08/938,909

Page: 29

consideration.

In view of the above, a favorable reconsideration of this patent application and an early passing of this patent application to issue is hereby courteously solicited. Should the Examiner desire to speak with Applicant's attorneys, they may be reached at the number indicated below.

Respectfully submitted;

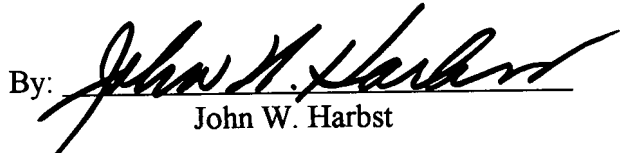
  
John W. Harbst  
Attorney of Record

1180 Litchfield Lane  
Bartlett, Illinois 60103  
(630) 289-4839  
(630) 289-0269 (Fax)

**CERTIFICATE OF MAILING**

I hereby certify this AMENDMENT "A", and any papers referenced as being included therewith, is being deposited with the United States Postal Service with sufficient postage as First Class mail in an envelope addressed to: Assistant Commissioner for Patents; Washington, D.C. 20231.

Date: Feb. 26, 1999

By:   
John W. Harbst